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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,765	04/19/2005	Jean Laurencot	LAURENCOT2	3764

7590 12/10/2008

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EXAMINER	
LU, JIPING	

ART UNIT	PAPER NUMBER
3743	

MAIL DATE	DELIVERY MODE
12/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,765	LAURENCOT, JEAN	
	Examiner	Art Unit	
	Jiping Lu	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2008* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The amendment filed 8/22/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: (1) page 5, last paragraph, the amendment regarding the atmosphere in each of the chamber "is **continuously** monitored using sensors for measuring the temperature and moisture content of the enclosed space", and "**adjusting** the heating and, if appropriate, the cooling of the heat-transfer fluid"; (2) page 7, lines 6-7, the amendment regarding an incident "is detected which involves heating of the enclosed space"; (3) page 8, line 1, the amendment regarding "adjusting" the flow rate of the heat-transfer fluid; (4) page 10, line 4, the newly added "blower"; (5) page 11, last paragraph, the amendment regarding "adjust the output of the heater…… the output of the regulator 12"; (6) the replacement sheet of the drawing introduces new matters, the locations of the sensors 14, 15 and seals 16, 17 are not supported by the originally filed specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Information Disclosure Statement

2. It is noted that applicant submitted several references on 8/22/2008 without an Information Disclosure Statement. 37 CFR 1.98(b) requires a list of all patents, publications, or

other information submitted for consideration by the Office. Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenau (U. S. Pat. 4,356,641).

Rosenau teaches a method of treating top and bottom sealed woody material within two chambers (at 20, 21 and at 22, 23). The heat treatment is controlled by monitoring means 15, humidity sensors 13, 14, 16-18, temperature sensors 20-23, heating means 12 and circulating heat transfer fluid 19. The heating method is same as claimed in claim 8. The sensors 13-23 permanently monitor and measure conditions and compare data in each chamber. Based on the data received, the operations of heater 12, blower 19 and heating cycle regulator 15 based on the claimed formula. With regard to the last four lines of claim 8, the claimed mathematical functions are deemed to be conventional and well known in the heating art. Therefore, it would have been obvious to one skill in the art at the time the invention was made to govern the rise in temperature as a function of the behavior of the load of woody material in terms of its thermal conductivity and as a function of equilibrium between the flow rate and the speed of the heat-transfer fluid between the two chambers in order to obtain a predictable woody material treating result. With regard to claims 12-22 the claimed mathematical formula and temperature ranges are deemed to be an obvious matter of operation in order to obtain an optimal result.

5. Claims 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weis (U. S. Pat. 3,744,144).

Weis teaches a method of treating top and bottom sealed woody material within two chambers (at 30 and at 44). The heat treatment is controlled by monitoring means 60, humidity sensors 27, temperature sensors 70, 76, heating means 26 and circulating heat transfer fluid 24. The heating method is same as claimed in claim 8. With regard to the last four lines of claim 8, the claimed mathematical functions are deemed to be conventional and well known in the heating art. Therefore, it would have been obvious to one skill in the art at the time the invention was made to govern the rise in temperature as a function of the behavior of the load of woody material in terms of its thermal conductivity and as a function of equilibrium between the flow rate and the speed of the heat-transfer fluid between the two chambers in order to obtain a predictable woody material treating result. With regard to claims 12-22, the claimed mathematical formula and temperature ranges are deemed to be an obvious matter of operation in order to obtain an optimal result.

6. Claims 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little (U. S. Pat. 5,325,604).

Little teaches a method of treating top and bottom sealed woody material within two chambers (at 70 and at 72). The heat treatment is controlled by monitoring means 30, humidity sensors 76, temperature sensors 74, heating means 32 and circulating heat transfer fluid 40. The heating method is same as broadly claimed in claim 8. With regard to the last four lines of claim 8, the claimed mathematical functions are deemed to be conventional and well known in the heating art. Therefore, it would have been obvious to one skill in the art at the time the invention

was made to govern the rise in temperature as a function of the behavior of the load of woody material in terms of its thermal conductivity and as a function of equilibrium between the flow rate and the speed of the heat-transfer fluid between the two chambers in order to obtain a predictable woody material treating result. With regard to claims 12-22, the claimed mathematical formula and temperature ranges are deemed to be an obvious matter of operation in order to obtain an optimal result.

Response to Arguments

7. Applicant's arguments filed on 8/22/08 with respect to claims have been considered but are not persuasive to overcome the rejection. First, amended claims presented fail to define over the prior art references. Please point out any limitations from the claims that prior art references do not teach or show. Second, on pages 15-16 of the Remarks, the applicant argued that the prior art references provide no disclosure relating to a high temperature heat treatment of a woody material. The examiner does not agree. All prior art references applied pertain to the high temperature heat treatment of woody or ligneous material same as the applicant's. The only difference, if any, is the claimed temperatures. This is deemed to be obvious matter to operate at a certain temperatures which produces no new or unexpected results. Moreover, the temperature ranges, e.g. 110 to 180 ^{0}F is not in the broad claim 8. Third, the applicant appears to rely on the newly added term "ligneous material" for patentability. The examiner considers the term "ligneous material" is same as the woody material as shown by the prior art references as applied. If the applicant disagrees with the examiner's interpretation, then, a rejection of all claims under the first paragraph of 35 USC 112 will be necessary. In the meantime, the

applicant must point out from the original specification to show such support for the newly added term "ligneous material".

Conclusion

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jiping Lu/
Primary Examiner
Art Unit 3743

J. L.